

**GOLDBERG & ASSOCIATES**

ATTORNEYS AT LAW

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NEW YORK, NEW YORK 10006**DANIEL J. FOX**  
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[www.g-alaw.com](http://www.g-alaw.com)

April 10, 2008

**Via Certified Mail R.R.R.**

Julia Pichardo  
P.O. Box 433  
Hawthorne, NJ 07507

**RE: Julia Pichardo v. New York University  
S.D.N.Y. - Docket No.: 07 civ 6034  
Date of Loss: May 4, 2004  
Our File No.: 40824**

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Dear Ms. Pichardo:

This letter represents the third attempt by the undersigned to establish contact with you in connection with the above referenced claim that you commenced against my client, New York University ("NYU"). Previously, on March 24, 2008, I mailed you a copy of a letter which was addressed to Magistrate Judge Dolinger requesting the court's directive for seeking dismissal of your claim based upon a failure to prosecute. Judge Dolinger responded to the letter with an endorsed order directing NYU to file a formal motion should it seek dismissal of your case. A copy of the endorsed order follows this correspondence.

To date, you have failed to respond to any of the letters from my office. Moreover, you have failed to respond to discovery or serve a Rule 26 disclosure. Finally, you failed to appear in court on January 22 at which time your erstwhile attorney requested leave to withdraw.

Please be advised that your continuous failure to respond to discovery represents an unmistakable failure to prosecute your claim against NYU. Pursuant to FRCP 41(b), a defendant may seek dismissal of a plaintiff's claim for failure to prosecute. Moreover, the court is vested with the authority to dismiss your lawsuit with prejudice, which means that if the motion to dismiss is granted, you may be forever barred from maintaining or reasserting your claim against NYU.

Please be further advised that if I do not receive some communication, whether written or oral, from you within two (2) weeks from the date of this correspondence, I intend to file a motion to dismiss your lawsuit pursuant to FRCP 41(b). You may reach me through the contact information

**GOLDBERG & ASSOCIATES****Ms. Julia Pichardo****April 10, 2008****Page -2-**

set forth within the letterhead above.

In addition to establishing contact with my office, please advise me when we can anticipate receipt of your discovery responses, which are now seriously past due.

Again, allow me to make clear that this is your **final opportunity to respond**. If I do not hear from you within two (2) weeks, I will file a motion seeking dismissal of your claim with prejudice.

Sincerely,



DANIEL J. FOX

Encl.

Case 107-cv-06034-BSD MHD Document 212 Filed 06/30/2008 Page 3 of 2002  
03/24/2008 10:59 FAX 212-805-7928  
03/24/2008 12:03 FAX 212-968-2400

DOLINGER GOLDBERG &amp; ASSOCIATES

Filed 06/30/2008 Page 3 of 2002

002/005

USDO-SDNY  
DOCUMENT  
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DATE FILED: 3/24/08  
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NEW YORK, NEW YORK 10006

SND OF PLD 3-24-08  
If defendant intends to seek  
dismissal, it is to do so by  
(including an affidavit or  
equivalent submission).

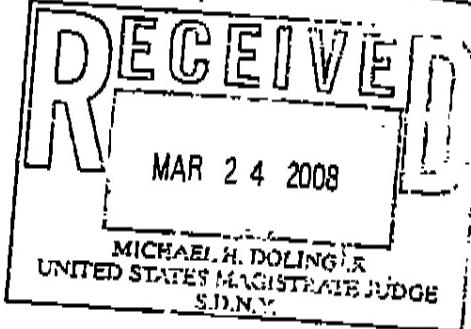
DANIEL J. FOX  
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FAX (212) 968-2400  
www.g-alaw.com

3/24/08

March 24, 2008

Via Facsimile to: 212-805-7928

The Honorable Michael H. Dolinger  
Magistrate Judge, United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



RE: Julia Pichardo v. New York University  
S.D.N.Y. - Docket No.: 07 civ 6034  
Date of Loss: May 4, 2004  
Our File No.: 40824

Dear Honorable Sir:

As you may recall, the law office of Goldberg & Associates has been retained to defend New York University ("NYU") in connection with the above-referenced personal injury lawsuit commenced by Julia Pichardo. Pursuant to Your Honor's order dated February 19, 2008, Ms. Pichardo was directed to retain new counsel within thirty (30) days or to proceed pro se. On February 21, I forwarded a letter to Ms. Pichardo enclosing a copy of the order together with copies of NYU's discovery demands, which remain unanswered. Ms. Pichardo has failed to respond to the letter, a copy of which follows this correspondence.

This morning, I received a call from your law clerk, Ilana Friedman, who inquired whether I have had any communication with Ms. Pichardo since this Court's issuance of the February order. I advised Mrs. Friedman that Ms. Pichardo never responded to my enclosed letter, and for that matter has failed to prosecute her claim since the commencement of the litigation. Moreover, pursuant to this Court's order, Ms. Pichardo's time to retain counsel in this matter has expired. Mrs. Friedman directed me to send a letter to Your Honor setting forth these facts.

As you may recall, the court had directed Ms. Pichardo to attend the January 22 conference before Your Honor, but Ms. Pichardo had failed to appear. By sending a copy of this letter, to Ms. Pichardo, it is NYU's intent to commence the process of seeking dismissal with prejudice of Ms. Pichardo's claim.

• New York, New York • Millburn, New Jersey •

The Honorable Michael H. Dolinger

March 24, 2008

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We are prepared to take whatever steps this Court directs with regard to seeking dismissal. Certainly, we can file a motion or letter brief in support of an application for dismissal. However, in light of Ms. Pichardo's complete failure to serve discovery responses, appear in court when directed to do so, or otherwise prosecute her claim, we respectfully request that the Court directs NYU to apply for dismissal by the most expedient and cost effective means permissible.

Thank you for your consideration of this matter.

Respectfully submitted,

  
DANIEL J. FOX

cc: Julia Pichardo  
P.O. Box 433  
Hawthorne, NJ 07507

• New York, New York • Millburn, New Jersey •

**FAX Cover Sheet**

Date: **March 24, 2008**

To:

**Daniel Jason Fox, Esq.  
Fax: (212) 968-2400**

By mail to:

**Julia Pichardo  
P.O. Box 433  
Hawthorne, NJ 07507-0433**

**From: Magistrate Judge Michael H. Dolinger  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1670  
New York, New York 10007-1312**

**FAX (212) 805-7928**

**TELEPHONE NUMBER (212) 805-0204**

**This document contains 3 pages, including this cover sheet.**

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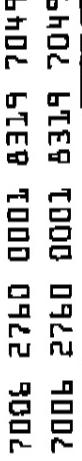
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Restricted Delivery Fee (Endorsement Required)	
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or PO Box No.  
City, State, ZIP+4 Hawthorne, NJ 07507

PS Form 3800, August 2000 See Reverse for Instructions



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**1. Article Addressed to:**

Julia Richardo  
P O Box 433  
Hawthorne, NJ 07507

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X *Julia A. Richardo*  Agent  
 Addressee

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*Julia A. Richardo*  C. Date of Delivery

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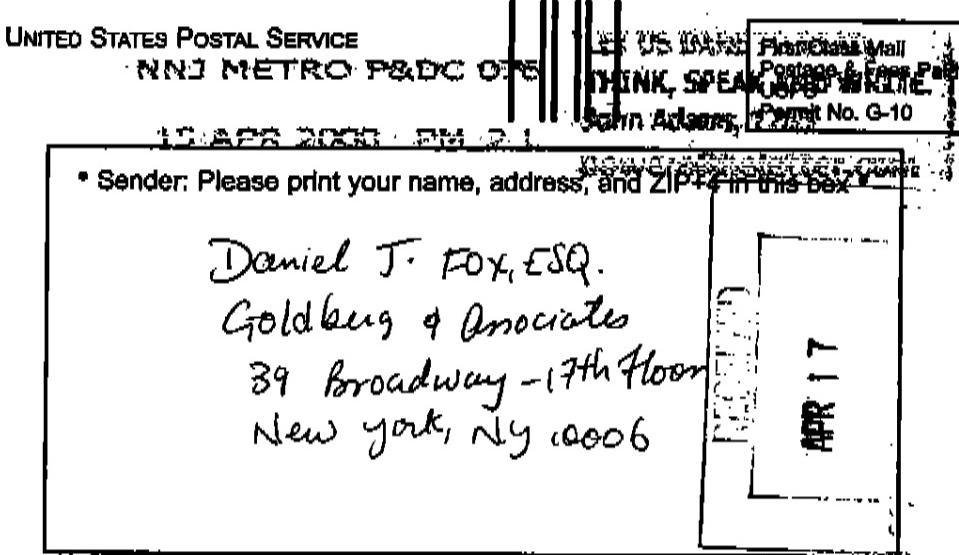
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